Declassified in Part - Sanitized Copy Approved for Release 2012/01/25 : CIA-RDP90-00965R000201630017-5

ARTICLE APPEARED ON PAGE A-19

WASHINGTON POST
11 September 1985

STAT

Barbie Trial Delayed

Hearings Ordered On New Evidence

By Michael Dobbs
Washington Post Foreign Service

PARIS, Sept. 10—French magistrates today delayed the trial of Klaus Barbie, a former Nazi accused of crimes against humanity, by ordering further pretrial hearings to examine new evidence.

Lawyers said that the trial, which had been expected to open in November in Lyons, where Barbie was Gestapo chief during World War II, is now unlikely to begin before the start of next year at the earliest.

Barbie, nicknamed the "butcher of Lyons" because of alleged wartime atrocities, has been under detention in France since his expulsion from Bolivia in February 1983. Worldwide interest in the case has been heightened by Barbie's dramatic return to Lyons and revelations about a postwar career that included cooperation with U.S. military intelligence.

The new evidence, found in a search of French historical archives, concerns the list of prisoners aboard the last train from France to the Auschwitz concentration camp on Aug. 11, 1944. Barbie, 72, is accused of complicity in murder by helping to organize their deportation.

A decree by Lyons magistrates noted contradictions between the list of deportees as reconstructed from the Auschwitz archives and new documents supplied by the French Ministry of Veterans. It said further pretrial hearings would be necessary to "modify" the charges against Barbie.

Barbie's defense lawyer, Jacques Verges, said that today's move gave French authorities "a pretext to delay the trial." Verges has accused the Socialist government of seeking to postpone hearings until after parliamentary elections next March in order to avoid a potentially damaging political controversy on French collaboration with the Nazis in World War II.

Justice Ministry officials have denied suggestions that the trial is being deliberately held up.

The latest delay in the long awaited trial underscores the legal complexities involved in preparing a case against a former Nazi more than four decades after his alleged crimes.

French prosecutors already have had to narrow their case against Barbie to three specific charges under the heading of "crimes against humanity." In 1964, France amnestied "war crimes"—a category that would include Barbie's actions against members of the wartime resistance movement.

This means that Barbie will not be tried for the crime with which his name is most associated here: the torture of Jean Moulin, the leader of the French resistance. Moulin, now regarded as a national hero in France, died of his wounds. Members of French veterans' associations have appealed against the narrowing of the charges.

In addition to the charge of organizing the last "death train" to Auschwitz, Barbie is also accused of rounding up 52 Jewish schoolchildren in April 1944 and deporting 86 members of a French Jewish association in February 1943. The father of Robert Badinter, the present French justice minister, was one of the prominent Jews whose deportation is said to have been ordered by Barbie.

Verges has claimed that there is insufficient evidence to convict his client. He has pointed to contradictory testimony by eyewitnesses over whether Barbie was at the station when the train left.

The new documents found by the Ministry of Veterans indicate that the last death train to Auschwitz carried nine children between 2 and 13 years old, of whom seven died. They do not, however, contain some names submitted to the court by a prominent French Nazi hunter, Serge Klarsfeld, on the basis of research into Auschwitz records.

The Lyons magistrates suggested that Barbie could also be charged with a "crime against humanity" as an accomplice in the murder of seven other Jews whose names have turned up in the new document.

Declassified in Part - Sanitized Copy Approved for Release 2012/01/25 : CIA-RDP90-00965R000201630017-5